REMARKS

Claims 11, 14-21, 24-27 and 29-30 have been amended. Claims 11, 14-21, and 24-30 remain for further consideration. No new matter has been added.

The objections and rejections shall be taken up in the order presented in the Official Action.

2. Claims 11 and 21 currently stand rejected for allegedly being directed to functional descriptive material.

Claims 11 and 21 have each been amended to recite hardware that employ the data telegram and do not merely claim the data telegram *per se*, similar to claim 28 which was previously found to be statutory. (Official Action, pg. 2). In light of the foregoing, it is respectfully submitted that the non-statutory subject matter rejection is now moot and should be removed, and that claims 11 and 21 are in condition for allowance and should be passed to issuance.

3. Claims 29 and 30 currently stand objected to for allegedly being improper dependent claims.

Claims 29 and 30 have been amended.

4-6. Claims 11, 14, 18 and 20 currently stand rejected as allegedly being obvious in view of U.S. Patent 6,771,663 to Jha (hereinafter "Jha").

Claim 11

Amended claim 11 recites a host network that includes:

"a plurality of devices communicably coupled together, where the plurality of devices transmit and receive data telegrams within the host network, where the host network has a standard for the transmission of the data within the host network,

where the data telegram comprises

a data section having a pair of regions, a first region in the pair of regions containing data formatted in a first instance in accordance with an extraneous standard that is different than the host network standard, the first region containing data formatted in a second instance in accordance with the host network standard; and

a header section that contains information specifying that the data within the first region of the data section are formatted in the first instance according to the extraneous standard and specifying that the data within the first region of the data section are formatted in the second instance according to the host network standard, where a second region in the pair of regions in the data section contains header information in the first instance associated with the extraneous standard specified by the information in the header section and in the second instance associated with the host network standard specified by the information in the header section, where a telegram identification portion of the header section that specifies an identification of data associated with the host network standard when the data in the first region of the data section are formatted in accordance with the host network standard in the second instance contains an identification of data associated with the extraneous standard in the first instance in place of the identification of data associated with the host network standard in the second instance, and where a telegram length portion of the header section that specifies a length of the data associated with the host network standard when the data in the first region of the data section are formatted in accordance with the host network standard in the second instance no longer specifies the length of the data associated with the host network standard when the data in the first region of the data section are formatted in accordance with the extraneous standard in the first instance." (cl. 11).

The Official Action contends that "*Jha discloses a data telegram for transmitting data within a host network having a standard for the transmission of the data within the host network, the data telegram comprising: a data section having a pair of regions, one region in the pair of regions containing data formatted in a first instance in accordance with an extraneous standard that is different than the host network standard, the first region containing data formatted in a second instance in accordance with the host network standard [Figure 7 | Figure 9 <<item 274>> |*

column 5 <<lines 52-55>> | column 7 <<lines 39-60>> where: the host network utilizes a SONET protocol. Jha discloses that the SONET packet contains a SONET payload (first region) that contains data formatted in a variety of protocols (second region that is within the first region)]; and a header section that contains information specifying that the data within the first region of the data section are formatted in the first instance according to the extraneous standard and specifying that the data within the first region of the data section are formatted in the second instance according to the host network standard, where a second region in the pair of regions in the data section contains header information in the first instance associated with the extraneous standard specified by the information in the header section and in the second instance associated with the host network standard specified by the information in the header section, where a telegram identification portion of the header section that specifies an identification of data associated with the host network standard when the data in the first region of the data section is formatted in accordance with the host network standard in the second instance contains an identification of data associated with the extraneous standard in the first instance [Figure 7 <<items 204a, 204b, 204c>> | column 5 <<line 67>> to column 6 <<line 5>> | column 7 <<lines 39-60>> | column 9 <<lines 55-60>> | Figure 11 <<item 302>> | column 11 <<lines 26-37>>]." (emphasis added; Official Action, pgs. 7-8). The Official Action further contends that "*Jha also discloses a telegram length portion of the header section that specifies a length of the data associated with the host network standard when the data in the first region of the data section is formatted in accordance with the host network standard in the second instance [column 7 <<lines 61-65>> | column 10 <<lines 27-30>>].*" (Official Action, pg. 8). The Official Action recognizes that Jha "*does not expressly disclose that the portion no longer specifies the length of the data associated with the host network standard when the data*

in the first region of the data section is formatted in accordance with the extraneous standard." (Official Action, pg. 8). The Official Action contends that "*however, this functionality is implied by Jha's disclosure. Jha discloses that the data in the data section of the telegram may be formatted in accordance with both host or extraneous standards [column 11 <<lines 26-37>>]. Thus, when the data is in accordance with the extraneous standard, the length portion specifies the length of the data of the extraneous standard and not the host standard. Therefore Jha implicitly discloses that the telegram length portion no longer specifies the length of the data associated with the host network standard when the data in the first region of the data section is formatted in accordance with the extraneous standard.*" (Official Action, pg. 8).

Upon a fair and proper reading, Jha fails to disclose various features of amended claim 11, including those recited within the "data section" and the "header section" subparagraphs of amended claim 11. In particular, Jha fails to disclose a "host network standard" of any type, from which it follows that Jha fails to disclose a number of the "data section" and "header section" features of amended claim 11 (e.g., "*a data section having a pair of regions, a first region in the pair of regions containing data formatted in a first instance in accordance with an extraneous standard that is different than the host network standard, the first region containing data formatted in a second instance in accordance with the host network standard*".) Thus, the numerous contentions set forth in the Official Action noted above with respect to a "host network standard" disclosed in Jha are misplaced. Jha fails to teach that the network or system 100 (FIG. 5) contains any single type of "standard", "host" or otherwise, for the transmission and reception of data over the SONET network. In contrast, Jha discloses that "*one conventional way to transmit data in fiber networks is through a Synchronous Optical Network/Synchronous Digital Hierarchy (SONET/SDH) protocol. In a SONET/SDH network, data travels in fixed size*

envelopes that repeat every 125 microseconds". (Col. 1, lines 26-31). Further, "*SONET was designed to efficiently carry telephony Plesiochronous Digital Hierarchy (PDH) channels such as T1/T3.*" (Col. 1, lines 35-37). In addition, "*with growing volume in data traffic, however, SONET/SDH networks must now carry a significantly large number of data packets, such as ATM (Asynchronous Transfer Mode – 53 bytes each) and IP (Internet Protocol – variable-size packets) in addition to traditional T1/T3 channels).*" (Col. 1, lines 49-53). Thus, Jha itself makes clear that SONET itself is not, or does not include, a "host network standard". Instead, SONET merely comprises fixed size envelopes that are designed to carry various data types or data standards, including those of fixed length such as T1/T3 and ATM, along with variable length packets such as those associated with IP. That is, SONET is a "carrier" for different data standards and is not a data standard itself. Indeed, Jha admits that SONET is a "data transmission media" and not a network standard for data transmission. (Col. 7, lines 16-30).

Jha recognizes the problems with the SONET network in attempting to transmit both fixed and variable length data types or standards and describes the shortcomings with the various attempts in the prior art to achieve such transmission of "hybrid" data types or standards. (Col. 1, line 57 to Col. 5, line 40). In an attempt to solve these problems, Jha discloses a hybrid data transport (HDT) protocol for use with a SONET network. (Col. 6, line 56 to Col. 7, line 2). The remainder of Jha's specification discloses the HDT protocol in detail. (Col. 7, line 3 to Col. 14, line 66). All of the various data types disclosed in Jha (e.g., POS, ATM, PDH, etc.) comprise different data standards transmitted within a SONET network. Importantly, nowhere in Jha is there disclosure of a "host network standard". Even the disclosure in col. 11, lines 26-37, along with the accompanying illustration in FIG. 11, fail to disclose or suggest a host standard. Instead, that disclosure determines if either an HDT data frame is presently being transmitted on the

SONET network or if one of some other data types (e.g., POS, ATM or PDH) is presently being transmitted on the SONET network.

In light of the foregoing, because Jha fails to disclose a "host network standard", Jha necessarily also fails to disclose a "host network standard" along with an "extraneous standard" in two separate instances, as recited in numerous locations within amended claim 11. Thus, Jha fails to disclose the features of amended claim 11 where the data section and the header section of the data telegram contain information that differs depending on whether the formatting of these two sections is of an extraneous standard in a first instance or of a host network standard in a second instance.

As noted above, the Official Action cites to various locations within Jha for support of the disclosure of the claimed features relating to the "data section" and the "header section". For example, the Official Action cites to FIG. 7 and the accompanying text in col. 7, lines 39-60 of Jha for support, and further contends that "*the host network utilizes a SONET protocol.*" (Official Action, pg. 7). However, this portion of Jha discloses:

> "*referring to FIG. 7, a detailed block diagram of SONET/SDH payload envelope (SPE) 200 is shown. The present invention may embed a header (and/or footer) 202 (e.g., a 32-bit packet header) to create a deterministic packet transport protocol. The packet header may comprise a 32-bit payload header 204a-204n that may precede each frame, regardless of the particular packet type stored within the frame. The protocol identification may be implemented as a few header bits configured to denote the particular type of packet (e.g., ATM, IP, PPP, Frame Relay, etc.) embedded within the payload portion of a particular frame. Bandwidth maximization may be implemented with another bit in the header 202 that may specify whether the packet may be reused by the intermediate SONET nodes 102a-102n. The SONET framing may be left unchanged by implementing a single PSL (Path Signal Label) value 206 in a SONET Path Over Head (POH) 208 that is generally able to specify the various types of packets embedded within the payload of a particular frame. The system 100 may be directly applicable to WDM/DWDM Fiber because individual packet framing is independent of SONET. The system 100 may be also used in IP-over-Fiber networks.*" (col. 7, lines 39-60.

Nowhere in this portion of Jha is there disclosure of the use of a "host network" of any type, let alone a host network that utilizes a "SONET protocol", in contrast to the contention in the Official Action. Indeed, the term "host" is not explicitly found in this passage from Jha, therefore, there is no disclosure or suggestion of any type of host that uses a "SONET protocol". Instead, this disclosure and the accompanying illustration in FIG. 7 merely disclose how data in accordance with different known types (e.g., ATM, IP, PPP, Frame Relay, etc.) may be stored or embedded within the payload portion of the frame. None of these various types of data are disclosed or suggested in Jha to comprise a "host network standard" data type.

It follows that because Jha fails to disclose a "host network standard", Jha fails to disclose the features of amended claim 11 where both the data section and the header section of the data telegram contain information that differs depending on whether the formatting of these two sections is of an extraneous standard in a first instance or of a host network standard in a second instance. Jha discloses a SONET network and its typical intended purpose for use with telephony, together with the problems associated with attempts to adapt the SONET network specifically for something other than telephony – i.e., for data transmission purposes. (Col. 1, line 23 to col. 5, line 41).

In response to Applicant's arguments with respect to the rejection of claim 11 in the prior Official Action of November 27, 2006 (similar to the rejection of claim 11 in the present Official Action), the Official Action contends that "*Jha discloses a SONET network and a SONET protocol [column 1 <<lines 24-35>>]. The SONET network and protocol are analogous to the host network and host networking standard claimed by Applicant; they are analogous to Applicant's disclosure of a MOST network and a MOST protocol. Jha discloses a data telegram that is formatted according to the SONET protocol but that is capable of carrying data formatted*

according to an extraneous standard that is different from the host SONET protocol [column 7 <<lines 39-49>> where: the SONET frame might include data formatted according to ATM, IP PPP or Frame Relay]." (emphasis added; Official Action, pg. 4). These contentions are explicitly directed to a "format" for data; for example in accordance with a host network standard or with extraneous standards such as ATM, IP, PPP, etc. However, the cited sections in Jha noted above from the Official Action fail to disclose a "format" for data in accordance with the SONET network; that is, in accordance with a "host network standard". Instead, Jha discloses at the cited location that "*one conventional way to transmit data in fiber networks is through a Synchronous Optical Network/Synchronous Digital Hierarchy (SONET/SDH) protocol. In a SONET/SDH network, data travels in fixed size envelopes that repeat every 125 microseconds. With this synchronous fixed-length framing, every byte (e.g., 8 bits of data) inside a SONET/SDH frame represents a 64 Kbps (64000 bits/sec) channel. The 64 Kbps channel has the same rate as supported by current telephone channels (also called DS0 channels).*" (Col. 1, lines 24-35). This disclosure does not teach the formatting of data, and certainly does not teach the formatting of data according to standards such as ATM or IP. Instead, this disclosure merely teaches a protocol having fixed sized envelopes that repeat every 125 microseconds. Therefore, no "host networking standard" is taught by Jha in conjunction with the SONET network. Further, the additional cited disclosure in Jha comprises that of "*referring to FIG. 7, a detailed block diagram of SONET/SDH payload envelope (SPE) 200 is shown. The present invention may embed a header (and/or footer) 202 (e.g., a 32-bit packet header) to create a deterministic packet transport protocol. The packet header may comprise a 32-bit payload header 204a-204n that may precede each frame, regardless of the particular packet type stored within the frame. The protocol identification may be implemented as a few header bits configured to denote the*

particular type of packet (e.g., ATM, IP, PPP, Frame Relay, etc.) embedded within the payload portion of a particular frame" (Col. 7, lines 39-49). This disclosure teaches various data formats for the payload envelope of Jha, but none of these formats are identified as a host network standard normally associated with a SONET network. Instead, the implementation of these various data formats (ATM, IP, PPP, Frame Relay) within the SONET payload envelope are disclosed within this cited section of Jha as being part of the invention of Jha (Col. 7, lines 39-40); that is, the Hybrid Data Transport feature. In light of the foregoing, the contention in the Official Action is incorrect and misplaced.

In light of the foregoing, it is submitted that the obviousness rejection of amended claim 11 is now moot and should be removed, and that amended claim 11 is in condition for allowance and should be passed to issuance.

7. Claims 15 and 16 currently stand rejected for allegedly being obvious in view of the combined subject matter disclosed in Jha and the MOST Specification Framework Rev. 1.1 (hereinafter "the MOST Spec").

It is respectfully submitted that this rejection is now moot, since claims 15 and 16 each depend directly from amended claim 11, which is patentable for at least the reasons set forth above.

8. Claims 17 and 19 currently stand rejected for allegedly being obvious in view of the combined subject matter disclosed in Jha and U.S. Patent 6,172,980 to Flanders (hereinafter "Flanders").

It is respectfully submitted that this rejection is now moot, since claims 17 and 19 each depend directly from amended claim 11, which is patentable for at least the reasons set forth above.

9-11. Claims 21, 24-26 and 28-30 currently stand rejected for allegedly being obvious in view of the combined subject matter disclosed in the MOST Spec and Jha.

Claim 21

Amended claim 21 recites a Media Oriented Systems Transport (MOST) network having a MOST standard that defines the transmission of data within the MOST network. The MOST network includes:

> "a plurality of devices connected together, where the plurality of devices transmit and receive data telegrams,
>
> where the data telegram comprises
>
> a data section having a pair of regions, a first region in the pair of regions containing data formatted in a first instance in accordance with an extraneous standard that is different than the MOST standard, the first region containing data formatted in a second instance in accordance with the MOST standard; and
>
> a header section having a plurality of bytes, a predetermined region of the header section having information specifying that the data within the first region of the data section are formatted in the first instance according to the extraneous standard and specifying that the data within the first region of the data section are formatted in the second instance according to the MOST standard, where a second region in the pair of regions in the data section contains header information in the first instance associated with the extraneous standard specified by the information in the header section and in the second instance associated with the MOST standard specified by the information in the header section, where a telegram identification portion of the header section that specifies an identification of data associated with the MOST standard when the data in the first region of the data section are formatted in accordance with the MOST standard in the second instance contains an identification of data associated with the extraneous standard in the first instance in place of the identification of data associated with the MOST standard in the second instance, and where a telegram length portion of the header section that specifies a length of the data associated with the MOST standard when the data in the first region of the data section are formatted in accordance with the MOST standard in the second instance no longer specifies the

length of the data associated with the MOST standard when the data in the first region of the data section are formatted in accordance with the extraneous standard in the first instance." (cl. 21).

The Official Action contends that "*the MOST spec discloses a data telegram for transmitting data within a MOST network having a MOST standard that defines the transmission of data within the MOST network [sections 2.1 and 2.4], the data telegram comprising: a data section containing data formatted in a first instance in accordance with an extraneous standard that is different than the MOST standard, the first region containing data formatted in a second instance in accordance with the MOST standard [section 2.5| sections 5, 6.7, 6.8 (1-4) where: the MOST standard is compatible with a number of different protocols, the packets of which are transported to the various nodes using the MOST standard]. The MOST spec also discloses a header section having a plurality of bytes [section 5, page 31].*" (Official Action, pg. 9). The Official Action recognizes that the MOST spec "*does not explicitly disclose that the header section has a predetermined region of which contains information specifying that the data section is formatted according to the extraneous standard, that the data section has a pair of regions, or the header section contains a telegram identification portion and a telegram length portion.*" (Official Action, pgs. 9-10). The Official Action further contends that "*similar to Jha, MOST spec is directed towards transporting various data types within container structures [section 6.6, section 9: 'equipment such as multimedia computers, analog audio gateways, multimedia CD players, hi-fi audio equipment, telecommunication terminals...etc, can all be networked to interact']. As such, one of ordinary skill in the art would realize the need for a means of identification of the data stored in the containers so the destination nodes are aware of the kind of data they are receiving. Jha discloses a network similar to MOST [a hybrid data*

transport over optical networks]. Specifically, Jha discloses a data section having a pair of regions, one region in the pair of regions containing the data, and the second region containing header information associated with the extraneous standard specified in the header section [Figure 7 | column 7 <<lines 39-60>>]. Jha discloses a header section having a predetermined region that contains information specifying that the data within the first region of the data section are formatted in the first instance according to the extraneous standard and specifying that the data within the first region of the data section are formatted in the second instance according to the host standard [column 8 <<lines 49-63>>, where a second region in the pair of the regions in the data section contains header information in the first instance associated with the extraneous standard specified by the information in the header section and in the second instance associated with the MOST standard specified by the information in the header section [Figure 7 | column 7 <<lines 46-49>>]. Jha also discloses a telegram identification portion and a telegram length portion within the header section [see claim 11 rejection, above}. The purpose of these portions are to enable the system to make appropriate decisions on how to handle the data contained within the telegram by determining the protocols and length of the packets [see Jha, Figure 11 | Figure 12]." (Official Action, pgs. 10-11). The Official Action concludes that "*therefore, it would have been obvious to one of ordinary skill in the art to incorporate Jha's header functionality into MOST's header to enable identification of the multiple traffic types (standards) of the data payload. Further, it would have been obvious to incorporate Jha's data section with its pair of regions into MOST's data section to enable an increase in the data traffic capabilities of the MOST network.*" (Official Action, pg. 11).

Upon a fair and proper reading, the MOST Spec fails to disclose with any specificity the claimed features of amended claim 21 of where the data section and the header section of the

data telegram contain information that differs depending on whether the formatting of these two sections is of the MOST standard in one instance or of an extraneous standard in another instance. Instead, the cited sections of the MOST Spec merely disclose the broad and vague concept that *"[a] MOST network can be used in conjunction with a number of different protocols."* (MOST Spec, pg. 12 – Section 2.5) without disclosing any detailed structure or methodology on how this is accomplished. An additional cited section, Section 5, of the MOST Spec further fails to disclose with any specificity how the different protocols are utilized. In fact, as noted above, the Official Action correctly contends that "*the packets of which are transported to the various nodes using the MOST standard.*" A fair and proper interpretation of this disclosure is that the various protocols are nevertheless formatted according to the MOST Spec and not of some extraneous specification, since they are admitted to be transmitted by the MOST standard.

Further, similar to the discussion above with respect to amended claim 11, upon a fair and proper reading, Jha fails to disclose the feature of amended claim 21 where the data section and the header section of the data telegram contain information that differs depending on whether the formatting of these two sections is of an extraneous standard in a first instance or of a host network standard in a second instance. More specifically, Jha fails to disclose a "host" data standard of any type, from which it follows that Jha fails to disclose a number of the "data section" and "header section" features of amended claim 21 (e.g., "*a data section having a pair of regions, a first region in the pair of regions containing data formatted in a first instance in accordance with an extraneous standard that is different than the MOST standard, the first region containing data formatted in a second instance in accordance with the MOST standard*".) Thus, the numerous contentions set forth in the Official Action noted above with respect to a host

network standard disclosed in Jha are misplaced. Jha fails to teach that the network or system 100 (FIG. 5) contains any single type of "standard", "host" or otherwise, for the transmission and reception of data over the SONET network. In contrast, Jha discloses that "*one conventional way to transmit data in fiber networks is through a Synchronous Optical Network/Synchronous Digital Hierarchy (SONET/SDH) protocol. In a SONET/SDH network, data travels in fixed size envelopes that repeat every 125 microseconds*". (Col. 1, lines 26-31). Further, "*SONET was designed to efficiently carry telephony Plesiochronous Digital Hierarchy (PDH) channels such as T1/T3.*" (Col. 1, lines 35-37). In addition, "*with growing volume in data traffic, however, SONET/SDH networks must now carry a significantly large number of data packets, such as ATM (Asynchronous Transfer Mode – 53 bytes each) and IP (Internet Protocol – variable-size packets) in addition to traditional T1/T3 channels).*" (Col. 1, lines 49-53). Thus, Jha itself makes clear that SONET itself is not, or does not include, a "host network standard". Instead, SONET merely comprises fixed size envelopes that are designed to carry various data types or data standards, including those of fixed length such as T1/T3 and ATM, along with variable length packets such as those associated with IP. That is, SONET is a "carrier" for different data standards and is not a data standard itself. Indeed, Jha admits that SONET is a "data transmission media" and not a network standard for data transmission. (Col. 7, lines 16-30).

Jha recognizes the problems with the SONET network in attempting to transmit both fixed and variable length data types or standards and describes the shortcomings with the various attempts in the prior art to achieve such transmission of "hybrid" data types or standards. (Col. 1, line 57 to Col. 5, line 40). In an attempt to solve these problems, Jha discloses a hybrid data transport (HDT) protocol for use with a SONET network. (Col. 6, line 56 to Col. 7, line 2). The remainder of Jha's specification discloses the HDT protocol in detail. (Col. 7, line 3 to Col. 14,

line 66). All of the various data types disclosed in Jha (e.g., POS, ATM, PDH, etc.) comprise different data standards transmitted within a SONET network. Importantly, nowhere in Jha is there disclosure of a "host network standard". Even the disclosure in col. 11, lines 26-37, along with the accompanying illustration in FIG. 11, fail to disclose or suggest a host standard. Instead, that disclosure determines if either an HDT data frame is presently being transmitted on the SONET network or if one of some other data types (e.g., POS, ATM or PDH) is presently being transmitted on the SONET network.

In light of the foregoing, because Jha fails to disclose a "host network standard", Jha necessarily also fails to disclose a "host network standard" (e.g., a "MOST standard") along with an "extraneous standard" in two separate instances, as recited in numerous locations within amended claim 21. Thus, Jha fails to disclose the features of amended claim 21 where the data section and the header section of the data telegram contain information that differs depending on whether the formatting of these two sections is of an extraneous standard in a first instance or of a host network standard in a second instance.

Further, in response to Applicant's arguments directed towards a rejection of claim 21 in the prior Official Action of November 27, 2006, similar to the rejection of claim 21 in the present Official Action, the Official Action contends that "*Applicant argues that the MOST spec does not describe with specificity how the MOST network can be used in conjunction with a number of different protocols. The MOST spec clearly provides a means of achieving this goal in describing the structure of the MOST frame that is transported within the MOST network [section 6, pgs. 32-35]. Much like Applicant's claimed data telegram, the MOST frame consists of different sections allocated for different standards; one frame may consist of a section allocated to protocols requiring synchronous transport while another section is allocated for*

protocols that require asynchronous transport [section 6.5, pg. 33]. For instance, computer packet data transport for computer peer-to-peer communication would utilize the frame section allocated for asynchronous data transport [section 6.8.3, pg. 35]. Jha supplements the MOST spec's teachings. Jha's SONET network is analogous to the MOST network described in the MOST spec. Jha more clearly discloses the implementation of a data telegram with a specific structure that would enable the transmission of data packets that are not in accordance with the underlying host network." (Official Action, pg. 5).

Upon a fair and proper reading of section 6, pgs. 32-35 of the MOST spec, the MOST spec, in contrast to the contention in the Official Action above, does not provide any means (by way of a description of the structure of a MOST frame or otherwise) as to how the MOST network can be used, if at all, with different data protocols or standards. The MOST spec at the cited portion of section 6, pgs. 32-35, is utterly devoid of any disclosure or suggestion that different data standards or protocols can be used in a MOST network. In particular, the cited portion of the MOST spec of section 6.5, pg. 33 does not support the contention that the "*MOST frame consists of different sections allocated to different standards; one frame may consist of a section allocated to protocols requiring synchronous transport while another section is allocated for protocols that require asynchronous transport.*" Whether data are synchronous as opposed to asynchronous has nothing to do whatsoever with the data being of different standards. Section 6.5, pg. 33 of the MOST spec merely illustrates two different sections of a MOST frame – one section containing "synchronous channel time slots" and a second section comprising a "time slot available for asynchronous transport". Nothing else is disclosed or illustrated there that teaches or suggests that the MSOT frame is concerned with data of different standards. Further, in section 6.7, pg. 34 of the MOST spec there is disclosure that "*the MOST frame consists of 5*

sections. ... 60 bytes are reserved for transporting synchronous source data and packet data, 2 bytes are available for control messaging. For dividing up the 60 bytes between synchronous source data and asynchronous data, there is a boundary descriptor value which is transported in the administrative sections." From this description of a MOST frame it is again improper to conclude that the "*MOST frame consists of different sections allocated to different standards*". This section merely discloses that synchronous and asynchronous data can be accommodated within a MOST frame.

In light of the foregoing, it is respectfully submitted that the MOST Spec and Jha are not properly combinable to render amended claim 21 obvious. However, assuming for the moment that the MOST Spec and Jha are properly combinable, without admitting as much, even if the references were combined as alleged in the Official Action, the resultant combination still fails to disclose various features of amended claim 21 discussed above, including, the features of where the data section and the header section of the data telegram contain information that differs depending on whether the formatting of these two sections is of the host network standard in one instance or of an extraneous standard in another instance.

As a result, it is submitted that the obviousness rejection of amended claim 21 is now moot and should be removed, and that amended claim 21 is in condition for allowance and should be passed to issuance.

Claim 28

Since claim 28 stands rejected for similar reasons as claim 21, the discussion above with respect to amended claim 21 applies to claim 28. As a result, it is submitted that the obviousness

rejection of claim 28 is now moot and should be removed, and that claim 28 is in condition for allowance and should be passed to issuance.

12. Claim 27 currently stands rejected for allegedly being obvious in view of the combined subject matter disclosed in the MOST Spec, Jha and Flanders.

It is submitted that this rejection is now moot, since claim 27 depends directly from amended claim 21, which is patentable for at least the reasons set forth above.

For all the foregoing reasons, reconsideration and allowance of claims 11, 14-21 and 24-30 are respectfully requested.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,

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